

Federal Rule of Civil Procedure 41(b) permits a Court to dismiss a case where “the plaintiff fails to prosecute or to comply with [the] rules or a court order.” The Fourth Circuit has “identified four criteria that guide a district court’s discretion in dismissing a case under Rule 41(b). *Attkisson v. Holder*, 925 F.3d 606, 625 (4th Cir. 2019). Such an exercise should weigh: ‘(1) the plaintiff’s degree of personal responsibility; (2) the amount of prejudice caused the defendant; (3) the presence of a drawn out history of deliberately proceeding in a dilatory fashion; and (4) the effectiveness of sanctions less drastic than dismissal.’ *Id.* (citation omitted).

Here, Plaintiff is proceeding pro se and, therefore, bears the entire responsibility of prosecuting the case. *See Feagin v. Blockbuster, Inc.*, 3:09-cv-00532-RJC, 2016 WL 3148390, at *2 (W.D.N.C. June 2, 2016). Further, Defendant has now waited more than eight months for Plaintiff to file a motion for summary judgment to resolve this appeal from the Commissioner of Social Security's decision. During that time, Defendant was able to file a threadbare addendum (Doc. No. 14) but still declined to comply with the Court's order, illustrating that the drawn-out, eight-month delay was deliberate. However, the Court believes at this time that a less drastic sanction than dismissal may be effective. Thus, the Court **HEREBY ORDERS** Plaintiff to provide his motion for summary judgment by **March 30, 2020**. Plaintiff is warned that if he does not provide a motion for summary judgment by that time, the Court will dismiss this case under Rule 41(b).

SO ORDERED.

Signed: March 18, 2020

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

